

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Eldredge,

Court File No: 09-2018 (SRN/JSM)

Plaintiff,

v.

City of Saint Paul and
Saint Paul Department of Fire and Safety Services,

Defendants.

**ORDER ON PLAINTIFF’S MOTION TO LIMIT EXPERT EVIDENCE TO
RELEVANT EVIDENCE WITHIN THE AREA OF EXPERTISE**

The above-entitled matter came on for hearing before the Honorable Susan Richard Nelson on September 16, 2011 on Plaintiff’s Motion to Limit Expert Evidence to Relevant Evidence Within the Expert’s Area of Expertise [Doc. No. 244]. For the reasons set forth herein, Plaintiff’s motion is denied without prejudice.

Plaintiff seeks to limit the testimony of defense experts James Allen, Thomas Jetzer and Charles Hipp to their respective areas of medical expertise. Defendants oppose the motion.

The Court will not rule on this motion before the testimony in question is proffered. Defense counsel must lay the proper foundation for the opinions of its experts. Assuming the proper foundation has been laid, the defense witnesses will be permitted to offer the opinions in controversy. If proper foundation is not provided, the expert

witnesses will not be permitted to offer those opinions. The Court will not tolerate questions which seek to have expert witnesses speculate.

Based on all the files, records and proceedings herein, including the arguments of counsel, IT IS HEREBY ORDERED:

1. Plaintiff's Motion to Limit Expert Evidence to Relevant Evidence Within the Expert's Area of Expertise [Doc. No. 244] is **DENIED WITHOUT PREJUDICE**.

Dated: Sept. 16, 2011

BY THE COURT:

s/Susan Richard Nelson
Judge Susan Richard Nelson
District Court Judge